

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DARRIS COLTON THOMAS, JR.,

Petitioner,

v.

CASE NO. 19-3235-SAC

PATRICK H. THOMPSON,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. Petitioner, a person detained in the Saline County Jail, proceeds pro se and in forma pauperis. On November 20, 2019, the Court issued an Order to Show Cause to petitioner noting his pending state court proceeding and directing him to show cause why this matter should not be dismissed without prejudice to allow him to exhaust state court remedies.

Petitioner filed three responses and a notice within the time allowed, but he has not provided any reason to excuse him from the requirement that he exhaust state court remedies before seeking federal habeas corpus relief. *See Montez v. McKinna*, 208 F.3d 862, 866 (10<sup>th</sup> Cir. 2000) ("A habeas petitioner is generally required to exhaust state remedies whether his action is brought under § 2241 or § 2254.") (citing *Coleman v. Thompson*, 501 U.S. 722, 731 (1991)).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice to allow petitioner to exhaust state court remedies.

IT IS FURTHER ORDERED no certificate of appealability will issue.

**IT IS SO ORDERED.**

DATED: This 10th day of December, 2019, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge